

**Senate File 170 - Introduced**

SENATE FILE 170

BY QUIRMBACH

**A BILL FOR**

1 An Act relating to the contract bidding process for public  
2 construction projects.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 26.2, Code 2015, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 01. "*Construction manager*" means a person  
4 with substantial discretion and authority to plan, coordinate,  
5 manage, and direct all phases of a construction project, but  
6 does not mean a person who provides architectural, landscape  
7 architectural, or engineering design services, or who actually  
8 performs construction work on the project.

9 NEW SUBSECTION. 1A. "*General contractor*" means a person who  
10 engages in the business of construction, but does not include  
11 a construction manager.

12 NEW SUBSECTION. 3A. "*Public school corporation*" includes  
13 a community college as defined in section 260C.2, an area  
14 education agency established under section 273.2, and a school  
15 district as described in section 274.1.

16 Sec. 2. Section 26.2, subsection 2, Code 2015, is amended  
17 to read as follows:

18 2. "*Governmental entity*" means the state, political  
19 subdivisions of the state, public school corporations, and all  
20 officers, boards, or commissions empowered by law to enter  
21 into contracts for the construction of public improvements,  
22 excluding the ~~state board of regents and the state department~~  
23 of transportation.

24 Sec. 3. Section 26.7, subsection 2, Code 2015, is amended  
25 to read as follows:

26 2. a. The notice to bidders may provide that bids will  
27 be received for the furnishing of all labor and materials and  
28 furnishing or installing equipment under one contract, or for  
29 parts thereof in separate sections.

30 b. When a governmental entity seeks separate bids for parts  
31 of a public improvement project, a general contractor shall  
32 be allowed to submit a bid for the entire public improvement  
33 project.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill affects public construction projects set for  
3 bidding.

4       Currently, the state board of regents is exempted from Code  
5 chapter 26, the Iowa construction bidding procedures Act,  
6 through a specific exemption in the chapter's definition of  
7 "governmental entity". The bill eliminates the exemption for  
8 the state board of regents, thus requiring the state board of  
9 regents to comply with the requirements established by the Code  
10 chapter.

11       The bill also defines "construction manager", "general  
12 contractor", and "public school corporation".

13       Currently, when a governmental entity seeks separate bids  
14 for parts of a public improvement project, general contractors  
15 may be prohibited from submitting bids for the project as a  
16 whole. The bill requires general contractors to be allowed  
17 to submit bids for an entire project in instances where the  
18 governmental entity has decided to accept bids for separate  
19 parts of the public improvement project.